

Message Text

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FOLLOWING REPEAT USUN 2035 ACTION SECSTATE DATED JUN 24:

QTE: CONFIDENTIAL USUN 2035

FROM USDEL LOS

E.O. 11652: GDS
TAGS: PLOS
SUBJECT: LOS - CONFERENCE - CLASSIFIED SUPPLEMENT TO WEEKLY
REPORT WEEK OF JUNE 13,- JUNE 17, 1977

1. THE DEBATE IN COMMITTEE I ON MACHINERY QUESTIONS IS FAIRLY DESULTORY, AS MOST DELEGATIONS ARE AWAITING THE RETURN OF MINISTER EVENSEN. MOST IMPORTANT EVENT WAS RELEASE OF EVENSEN TEXT. THE CHAIRMAN OF COMMITTEE II WORKING ON THE STATUS OF THE ECONOMIC ZONE REPORTED TO COMMITTEE CHAIRMAN AGUILAR THAT NO FORMULA PRESENTED SEEMS TO COMMAND SUFFICIENT SUPPORT IN RESOLVING THE ISSUE. OUR EFFORTS IN COMMITTEE III ARE CONCENTRATED ON HITTING OFF AN ATTEMPT BY CHAIRMAN YANKOV TO BASE NEGOTIATIONS IN HIS VERY COASTALLY ORIENTED TESTED PROPOSAL. END SUMMARY.

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2. COMMITTEE 1 - THE UNCLASSIFIED REPORT INDICATES THE MAJOR FLAWS WITH THE NEW EVENSEN TEXT. WE WOULD ALSO NOTE THE FOLLOWING IMPROVEMENTS.

IN GENERAL, THE DRAFTING OF THE LATEST REVISED EVENSEN TEXT IS TIGHTER THAN EARLIER VERSION, THUS MINIMIZING THE DANGER OF GRANTING TO THE AUTHORITY DISCRE-

TIONARY POWERS THAT WERE UNINTENDED. FOR EXAMPLE, THE AUTHORITY DOES NOT HAVE A MANDATE, AS IT SEEMED TO IN EARLIER TEXTS, TO COMMAND TECHNOLOGY TRANSFER. WHILE THE US SUPPORTS EFFORTS TO PROMOTE TECHNOLOGY TRANSFER FROM INDUSTRIAL TO DEVELOPING COUNTRIES, THE CONDITIONS OF SUCH TRANSFERS MUST RESPECT THE RIGHTS OF THE HOLDERS OF THAT TECHNOLOGY. THE LATEST EVENSEN TEXT, IN ITS CONTRACTING PROCEDURES, ALSO OFFERS CLEARER ASSURANCE OF DIRECT NON-DESCRIMINATORY ACCESS TO THE SEABED FOR STATE ENTITIES. ASSURED ACCESS BASED ON REASONABLE CONDITIONS IS A CORNERSTONE OF THE INDUSTRIAL COUNTRY POSITION ON THE SEABED REGIME.

3. COMMITTEE II

THE UNITED STATES MET BILATERALLY WITH INDONESIA TO DISCUSS ARCHIPELAGOS. THE INDONESIANS FOCUSED ALMOST EXCLUSIVELY ON EXEMPTING CIVIL OVERFLIGHT FROM THE ARCHIPELAGIC SEALANES REGIME. THE UNITED STATES CONTINUES TO STRONGLY OPPOSE DIFFERENTIATING CIVIL AND STATE AIRCRAFT.

THE GROUP OF 5 CONTINUED ITS CONSULTATIONS CONCERNING A RESOLUTION OF THE STRAITS ISSUE SATISFACTORY TO THE MALACCA STRAIT STATES WITHOUT AMENDING THE STRAITS ARTICLES THEMSELVES. WHILE WE ARE FAIRLY CLOSE TO AGREEMENT WITH MALAYSIA, INDONESIA CONTINUES TO BE DIFFICULT ON THIS ISSUE
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WHICH THEY MAY BE ATTEMPTING TO TIE TO THE ARCHIPELAGO NEGOTIATION.

DURING THIS PAST WEEK, WE HAVE CONTINUED TO PROSELYTIZE OTHER DELEGATIONS REGARDING THE ECONOMIC ZONE AND HAVE FIRMED UP SOME SUPPORT WITHIN THE LL/GDS.

ON THE QUESTION OF DELIMITATION THE GROUP IS CLEARLY SPLIT AND NO BASE HAS EMERGED FOR ANY PARTICULAR CHANCES OF THE RSNT. THE CANADIANS HAVE BEEN PARTICULARLY OUT-SPOKEN IN FAVOR OF THE EQUIDISTANCE APPROACH AND HAVE CLEARLY TAKEN A HAND IN ORGANIZING THE PROONENTS OF THAT POSITION. AT THE SAME TIME, THE PROONENTS OF EQUITY HAVE AT LEAST AN EQUAL NUMBER OF SUPPORTERS AND THE CHAIRMAN OF COMMITTEE II IS IN THAT CAMP. THIS WEEK WE SHOULD HAVE A BETTER IDEA OF WHAT PROCEDURES THE CHAIRMAN INTENDS TO FOLLOW REGARDING ANY CHANGES IN THE DELIMITATION ARTICLES.

4. COMMITTEE III

A. MARINE POLLUTION. ON THE QUESTION OF STANDARD-SETTING FOR VESSEL POLLUTION IN THE TERRITORIAL SEA, VALLARTA

IS SEEKING PERMISSION FROM COMMITTEE II CHAIRMAN AGUILAR TO NEGOTIATE SOLUTION TO THIS PROBLEM INVOLVING BOTH COMMITTEE II (ARTICLE 20.2) AND COMMITTEE III(ARTICLE 21.3 TEXTS.

B. MARINE SCIENTIFIC RESEARCH. YANKOV SEEMS INCLINED TO MOVE RSNT CLOSER TO SOVIET COASTAL STATE POSITION THAN TO US POSITION FAVORING MORE LIBERAL REGIME. IT IS HIGHLY UNLIKELY THAT YANKOV SMALL GROUP WILL REACH CONSENSUS, THUS GIVING YANKOV RELATIVELY FREE HAND IN PROPOSING CHANGES IN RSNT TO PRESIDENT AMERASINGHE. AFTER MEETING WITH OTHER WESTERN STATES CONCERNED, AMB. RICHARDSON MADE STRONG REPRESENTATION TO YANKOV AGAINST USE OF HIS RESTRICTIVE TEXT PROPOSAL. THIS SEEMS AT LEAST TO
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HAVE SLOWED YANKOV DOWN.

5. PART IV - DISPUTE SETTLEMENT

A. IN BILATERALS WITH JAPAN, MR. HINATA STATED THAT JAPAN INTENDS TO OPPOSE THE RETENTION OF PART IV OF THE MILITARY EXEMPTION CLAUSE IN 18(1)(6). IN PARTICULAR, THEY WOULD OPPOSE ANY ATTEMPT BY THE LATIN AMERICANS TO INCLUDE A SEPARATE OPTIONAL EXCEPTION WITH RESPECT TO DISPUTES RELATING TO LAW ENFORCEMENT ACTIVITIES. THE US INDICATED THAT WE ATTACHED GREAT IMPORTANCE TO THE MILITARY EXCEPTION, AND MIGHT BE FORCED TO MAKE COMPROMISES TO RETAIN IT.

B. CHILE, ARGENTINA, AND OTHERS ARE PRIVATELY LINKING THE ISSUE OF THE STATUS OF THE ECONOMIC ZONE TO THE ELIMINATION OF FISHERIES FROM DISPUTE SETTLEMENT ENTAILING A BINDING DECISION ALTHOUGH NEITHER EVINCES AN INCLINATION TO ALTER THE DEFINITION OF THE HIGH SEAS. LEAVING ASIDE OUR INTERESTS IN FISHERIES PER SE, WE ARE CONCERNED THAT ELIMINATION OF BINDING FISHERIES DISPUTE SETTLEMENT (PARTICULARLY WITH US SUPPORT) COULD ENDANGER SUPPORT FOR DISPUTE SETTLEMENT AS A WHOLE BY SOME IMPORTANT STATE'S RETENTION OF OVERALL DISPUTE SETTLEMENT (E.G. ON NAVIGATION) IS IN ITSELF AN ESSENTIAL LINK IN PROTECTING AGAINST CREEPING JURISDICTION BY COASTAL STATES AND THE SEABED AUTHORITY. THUS, WE ARE PROCEEDING CAUTIOUSLY. YOUNG UNQUOTE VANCE

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Message Attributes

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Disposition Date: 22 May 2009
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